UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

Ref: 8EPR-SR

November 30, 2010

MEMORANDUM

SUBJECT: Concerns of Mr. and Mrs. Parker, Residents of Libby, Montana

FROM: Bonnie Lavelle, Remedial Project Manager

TO: Victor Ketellapper, Libby Asbestos Site Team Leader
Steve Wharton, Chief, Superfund Remedial Unit A
Bill Murray, Superfund Remedial Program Manager

David Barry mentioned to me last week that the Regional Administrator plans to meet personally with several concerned citizens during his trip to Libby this week. Mr. Parker is likely to be present at the meeting. The attached site visit report contains an attachment of information Mr. Parker provided to me on November 10, 2010. Mr. Parker has made copies of this information available to many government officials in Libby. I promised Mr. Parker I would put his information into the administrative record for Operable Unit 3 of the Libby Asbestos Site. Additionally, Mr. Parker may ask the Regional Administrator about the issues. I recommend that the Regional Administrator be provided a copy of my site visit report and the information Mr. Parker has compiled so he is prepared for his discussion.

Libby Asbestos Site, Operable Unit 3 (OU3)
Report on Site Visit Conducted November 10, 2010

Prepared by:
Bonnie Lavelle, Remedial Project Manager, Libby Asbestos Site OU3

On Wednesday, November 10, 2010, I met with Mr. Parker at his residence from 1:15pm - 2:30 pm. The purpose of meeting was to discuss his concerns about EPA's disposal of soils containing Libby amphibole asbestos (LA) at the W.R. Grace-owned Zonolite mine. These soils have been excavated from properties within Operable Units (OU) 1, 2, and 4 as part of removal and remedial actions within those OUs. EPA was granted access to the mine for disposal of soil by a court order in 2001.

Mr. Parker recently communicated his concerns about soil disposal at the mine to the Lincoln County Commissioners, prompting the Commissioners to ask EPA for a tour of the mine and surrounding areas. Rainy Creek Road provides the most direct access to the mine for vehicles but has been closed to vehicle traffic since May 2001 when the US Forest Service and Lincoln County issued a joint temporary restriction of Rainy Creek Road. A tour of the area requires a positive pressure vehicle and personnel to decontaminate the vehicle upon exit from the exclusion zone.

I arranged for a tour of the mine and surrounding areas for the Commissioners at 3 PM on November 10. My meeting with Mr. Parker was to prepare for the tour.

Mr. Parker and I reviewed a 3-ring binder prepared by Mr. Parker that contained photos of mine conditions and excerpts from various EPA documents (OU2 ROD, EPA correspondence, Response Action Work Plan (RAWP), OU3 public meeting agenda). Mr. Parker had used this binder as a basis for his recent presentation to the Commissioners. A copy of the contents of the binder is attached. Following is a summary of the concerns I discussed with Mr. Parker. Tabs are provided in the attachment to identify information supporting each of the concerns.

- Tab 1: There are noxious weeds growing on the eastern side of Rainy Creek Road. I had previously coordinated weed control spraying in April 2010 and understand that spraying occurred in June 2010. The presence of noxious weeds may indicate that spraying was not performed as planned on this side of the road. Mr. Parker asked if I obtained a report from the county weed control coordinator - I had not and admitted I should have.
- Tab 2: Mr. Parker's other concern about the weeds is that the source of the weeds is thought to be soil from the removal and remedial actions at OU1, OU 2, and OU4. Mr. Parker believes the weeds are an indicator that soil is blowing off of the trucks hauling to the amphitheater and to the disposal locations at the mine. Mr. Parker posed the question, "Does EPA consider the release of contaminated soil from trucks a source of LA exposure to the Parkers since the trucks drive right past his property located at the bottom of

Rainy Creek Road?". The binder contains an excerpt from the responsiveness summary in the OU2 ROD in which EPA states that trucks are covered with tarps (inferring that the exposure pathway is not complete). Mr. Parker thinks soil is being released from trucks as evidenced by the presence of weeds. He is concerned that cumulative exposure is not being addressed by EPA.

- Tabs 3 and 4: There's an inconsistency between what's stated in a June 25, 2010 letter from EPA concerning requirements for covering trucks with tarps when hauling from the amphitheater to the top of the mine and what's stated in the May 2010 RAWP prepared by the contractor PRI for the Corps of Engineers (dated May 2010). The RAWP incorporates the Final Disposal Operations Plan for the Former W. R. Grace Mine prepared by Volpe in 2008. The Volpe plan requires trucks hauling from the amphitheater to the top of the mine to be covered. EPA states in the June 25 letter that this is no longer a requirement. Mr. Parker would like clarification of the requirements and assurance that the requirements are being met. He advocates covering the trucks.
- Tab 5: In the spring of 2010, EPA had stockpiled more than 100,000 cubic yards of soil containing Libby amphibole asbestos at the amphitheater. The soil contained plastic and other debris from the removal operations. The Parkers were concerned that this soil could be released into Rainy Creek and transported downstream during a spring flood event. Over the 2010 construction season EPA transported this soil to the mine for disposal. Nevertheless, the Parkers remain concerned that stockpiling of soils at the amphitheater could occur in the future.
- Tab 6: The unpaved portion of Rainy Creek Road crosses Rainy Creek at a location upstream of the amphitheater and the tailings impoundment. A corrugated metal culvert provides a conduit for Rainy Creek under the road. It appears that soil and plastic debris have been placed here in an attempt to repair the road at the culvert and/or provide some stability for the culvert. Mr. Parker expressed concern that the soil and debris are eroding into Rainy Creek at this location – upstream of mine impacts.
- Tab 7: There is plastic debris along the side of Rainy Creek Road from the amphitheater to the top of the mine and it appears that either waste is blowing off of trucks and/or some of the waste from the removal operations has been used in grading the unpaved portion of the road.
- During EPA's recent installation of a phone line from Highway 37 to the amphitheater, no erosion control measures were implemented. The excavations are close to Rainy Creek and there is evidence that disturbed soil is eroding into Rainy Creek.

We discussed several options for improving communications between the Parkers and EPA on mine operations issues in the future:

- Access to Rainy Creek Road is currently restricted to the general public, preventing people from observing EPA's hauling and soil disposal operations at the mine. EPA and W.R. Grace are willing to transport the Parkers (and other interested people) to areas of OU3 in a positive-pressure vehicle and properly take care of decontamination. Opportunities for site visits may make the Parkers more comfortable with disposal operations and may improve communications by allowing questions and concerns to be addressed immediately by EPA. I told Mr. Parker to contact me directly or W.R. Grace if he ever wants transport to the mine.
- Projects like the phone line installation should be described in written work plans and discussed with stakeholders (e.g., the Parkers, Montana Fish Wildlife and Parks, the OU3 BTAG, W.R. Grace, Lincoln County, MDEQ, the Forest Service) before implemented.
- EPA can arrange frequent meetings with parties interested in the mine during the construction season to allow stakeholders to be informed about and offer input into operations.
- Additional access restrictions may be required in the future to protect public health. The decision to restrict access within OU3 will be based on the OU3 risk assessment which is not yet completed. Data to support the risk assessment is still being collected. The risk assessment will help guide EPA in determining if restrictions are necessary, the most effective form of restrictions and the boundaries. If EPA determines additional restrictions are necessary, the restrictions are considered "action" and will be described in an EPA decision document, most likely the Record of Decision for OU3. The decision will be subject to public comment.

RAINY CREEK

OPERATING

UNIT-3

E.P.A.


STOP
AUTHORIZED
PERSONNEL
ONLY
BEYOND
THIS POINT
ROAD
CLOSED


POSTED
ASBESTOS
HAZARD
NO TRESPASSING
DANGER
HARD HATS,
EAR AND EYE PROTECTION
REQUIRED BEYOND THIS POINT

Rainy Creek trespassing raising health concerns

Nov-10/2010

By Brent Shrum
Kootenai Valley Record

Repeated incidents of trespassing on closed Rainy Creek Road and at the site of the former W.R. Grace vermiculite mine are raising public health concerns among federal and county officials.

The problem includes "hunters, four-wheelers, snowmobiles, taking pictures, whatever," local Environmental Protection Agency cleanup project manager Mike Cirian told the Lincoln County commissioners last week.

The worry is that people and vehicles going into the site without taking proper safety measures will pick up asbestos contamination and take it back home with them.

"They're traveling up and down, getting that stuff in their tires, their air filters, wherever, then they go home," Cirian said.

Some may have wandered into the site inadvertently, but some have cut or shot the locks off gates to get in, Cirian said.

"There's one set of four-wheeler tracks that goes right up the tailings pile," Cirian said.

At times when trespassers have been spotted, EPA operations at the site have been temporarily shut down, Cirian said, "which costs thousands of dollars to wait to get someone off that property."

Cirian asked the commissioners for authorization to contact law enforcement to have people trespassing on the closed county road arrested and prosecuted. He said the EPA will be talking with W.R. Grace for similar authority on the company's former mine property.

See *Trespassing* on Page 12

Trespassing

Nov-10/2010

Continued from Page 1

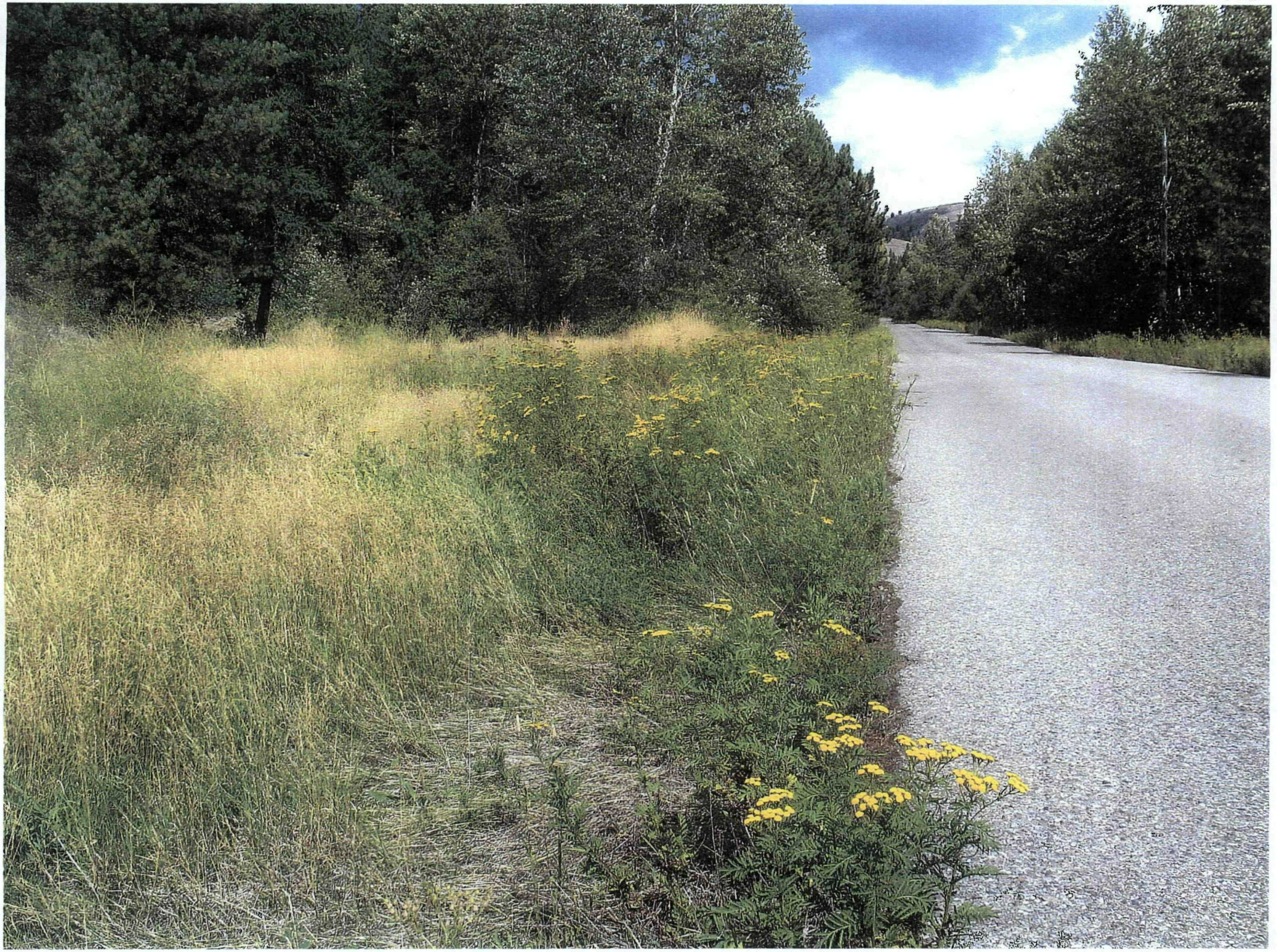
"I want to keep people out," Cirian said. "That's the important part."

Commissioner John Konzen said it looks like a clear case for law enforcement to handle.

"We can talk to the sheriff's office, but I think you just need to call them," he told Cirian.

The closed road is already gated and marked with "keep out" and asbestos warning signs, but Cirian said the EPA may add additional signs pointing out even more clearly that the road is closed to everyone and not just to motor vehicles. Surveillance cameras are also a possibility, he added.

"It's definitely a health hazard," Konzen said.



(7)

Mel & Derah Parker
PO Box 609
Libby, MT 59923

Ms. LaBelle:

On page 8 of the Proposed Plan for Public Comment on OU-2 just above "Remedial Action Objectives", it simply states and I quote" Ecological Risk has not yet been addressed for OU-2. EPA will be conducting a comprehensive assessment of Ecological Risk as ***Part of the OU_#3*** work (the mine site) that will address ecological risk for OU-2."

Ecology is defined a the (Scientific) relationship between the Environment and any living organism (Plant or Animal.)

As you know, we have common Tansy (a noxious weed in Montana) progressing up the Rainy Creek corridor alongside the Rainy Creek Road and creek. When you were made aware of this there were biological studies underway which would be adversely impacted through the use of herbicides. NO problem! Next Spring will also be an excellent time to eliminate the new sprouts. However, have you ever given any serious thought as to "***HOW***" this plant has been traveling up the Rainy Creek road corridor?

In years gone by all of us, local folks were responsible for the invasion of "knap weed" another noxious weed, to the Rainy creek drainage. We came in our vehicles as visitors, loggers, hikers, berry pickers, miners, contractors, wood cutters, hunters. You name it Ms. Lavelle. We were there!

But now, there is a gate and ***NOBODY*** who is not authorized to do so goes up that drainage. *Nobody!* except the trucks who haul the contaminated waste from the Libby Superfund Site to the mine site. So, if the seed from the "Tansy" is on the trucks going up the road, could it be at all possible for contaminated soil to be dropping along not only the Rainy Creek Road but everywhere else those trucks are traveling.

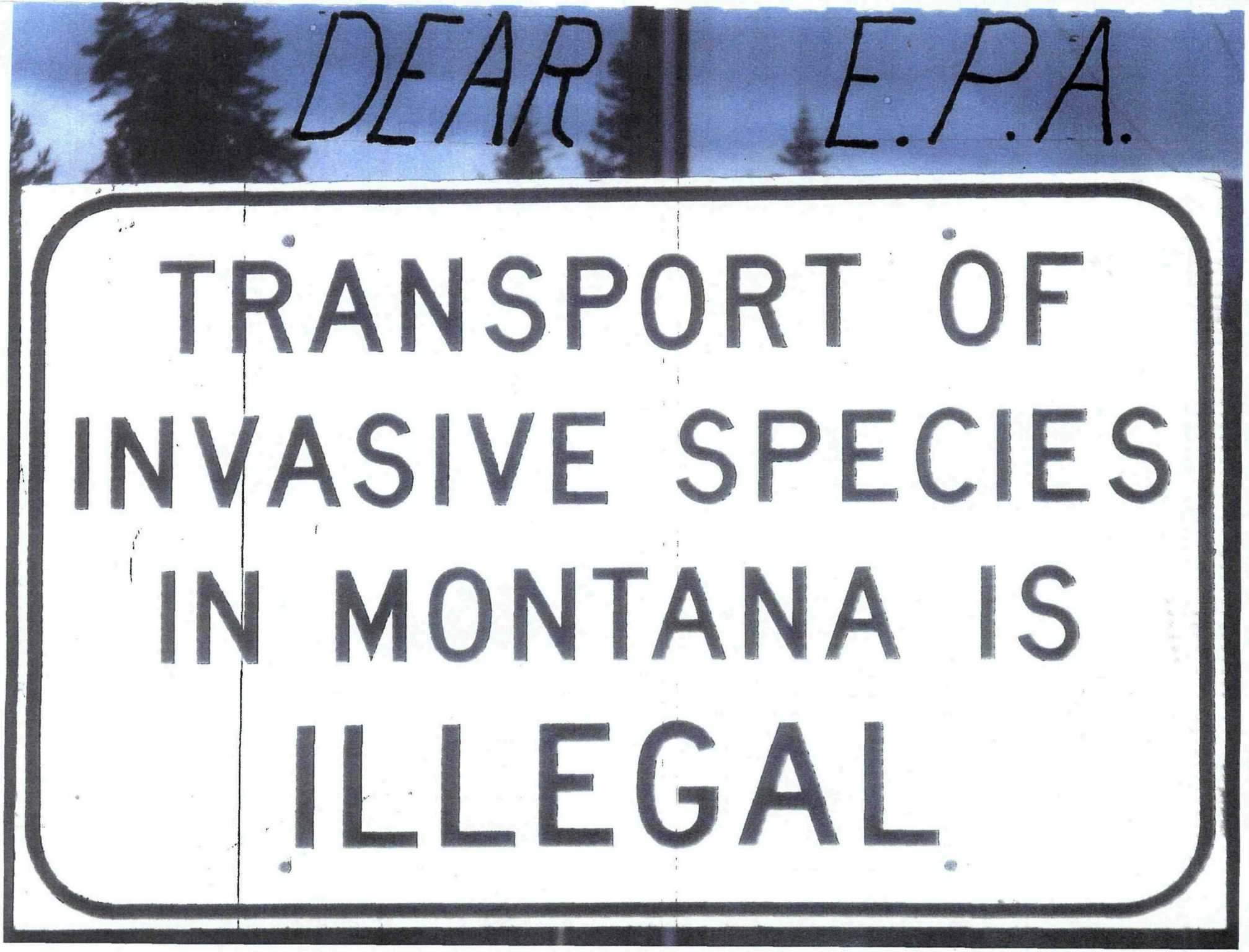
This problem started somewhere other than in Rainy Creek itself, after the road was gated off. Since the last five years to be exact!

When I talked to Mr. Kettlelapper, early last Fall, his comment was simply "There are all kinds of ways that weed could have been introduced to that location. Perhaps you might approach him for some constructive thoughts on his part.

Please check out whether or not you folks are creating an exposure pathway on the Rainy Creek Road with *contaminated soil that is coming off those trucks!* The analogy is very simple. If the Tansy seed is coming off then contaminated soil is coming off as well. If it is, then we have a problem in OU-2 relating to multiple pathways. that still exist! **

Please include this letter in the Public Comments for the Proposed OU-2.

Mel & Derah Parker


DEAR E.P.A.
TRANSPORT OF
INVASIVE SPECIES
IN MONTANA IS
ILLEGAL

(2)

RECORD OF DECISION

FOR

LIBBY ASBESTOS SUPERFUND SITE

THE FORMER SCREENING PLANT AND SURROUNDING PROPERTIES

OPERABLE UNIT 2

LINCOLN COUNTY, MONTANA

May 2010

calculated for the various activities were in acceptable ranges. Trace levels of LA were detected in soils at the schools. These will be addressed by EPA and the school board. While exposure to children is a concern due to their early exposure and longer latency periods, the levels of LA exposure were judged acceptable at this time. Note: s/cc is a percentage of the total fibers/cc; based on data from OU 4, the percentage is approximately 59%.

49) ***Comment.*** *I have not been fully informed in the specifics of the contamination in Libby and stand opposed to the EPA ROD and any maintenance program that comes out of it.*

EPA Response. Please see responses to 8, 9, 10, 11, 17 (a) – (g), 24, 24(a), and 25.

50) ***Comment.*** *We need results of toxicity studies, especially human, before any RODs.*

EPA Response. Please see responses to 17 (a) – 17 (g).

51) ***Comment.*** *ICs should be discussed prior to selection of a remedy.*

EPA Response. ICs will be an integral part of the remedy. Development and implementation of ICs will be conducted as part of the remedial design and remedial action. EPA has been working closely with the O&M work group to make recommendations on suitable ICs. For OU2, these recommendations will be shared with the City-County Board of Health. In addition, language drafted for this ROD discussing ICs was shared with the TAG, O&M Work Group, and City of Libby in February 2010.

52) ***Comment.*** *Given the presence of tansy weed in the Rainy Creek drainage, EPA must investigate the possibility that haul traffic on the road is spreading contaminated soil.*

EPA Response. All trucks carrying contaminated soil for disposal are tarped to prevent the spread of contaminated soil.

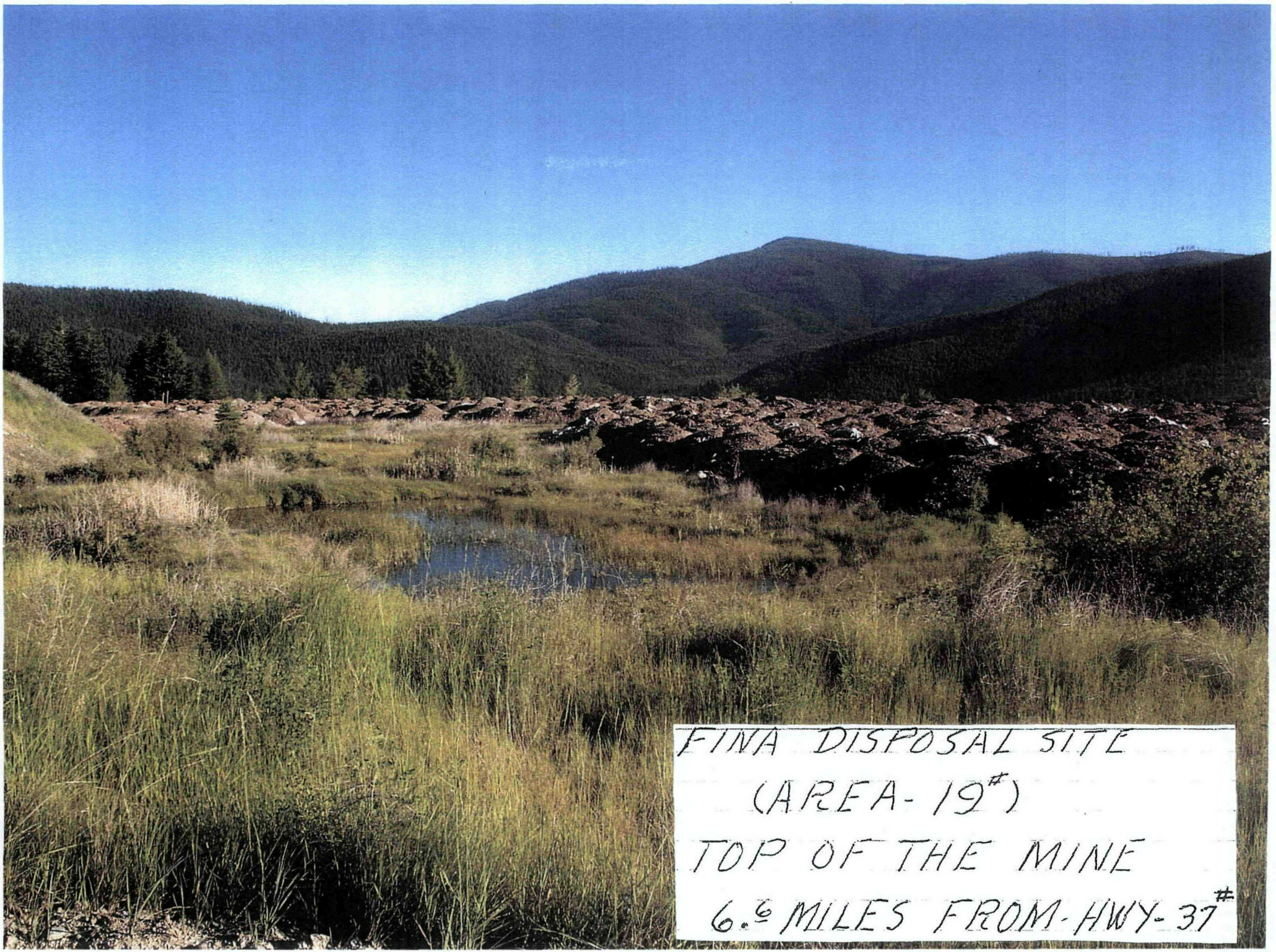
53) ***Comment.*** *EPA must provide a quantitative evaluation of risk to human health.*

EPA Response. EPA has completed a screening, or qualitative, risk assessment which confirms the need for remedial action on the remaining areas of LA-contaminated soil at OU2. Once the remedy has been implemented, EPA will conduct activity based sampling to quantitatively confirm the effectiveness of the cleanup to protect human health.

54) ***Comment.*** *Rainy Creek Road, and the haul traffic on that road, present an exposure pathway that has not been evaluated.*

EPA Response. Please see the response to #52.

55) ***Comment.*** *Ecological risk must be addressed for OU2.*


FINA DISPOSAL SITE
(AREA-19#)
TOP OF THE MINE
6.6 MILES FROM-HWY-37#

Libby Asbestos Superfund Site
Operable Unit 3
Libby, Montana

Open House and Public Meeting

June 22, 2010
Libby City Hall
5:30 pm – 8:30 pm

Agenda:

I. Open House and Poster Session
5:30 pm – 6:30 pm

II. Presentations
6:30 pm – 7:30 pm

a. Update on Operable Unit 3 — 30 minutes
Bonnie Lavelle, EPA Remedial Project Manager

b. Ecological Risk Assessment for Operable Unit 3 — 30 minutes
Dan Wall, EPA Ecological Risk Assessor, Eco-Toxicologist

III. Questions and Discussion
7:30 pm – 8:30 pm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

(3)

Ref: 8ENF-L

June 25, 2010
Mel Parker
472 Riverview Drive
Libby, Montana 59923

Hand Delivered

Mr. Mel Parker:

The purpose of this letter is to address the concerns you raised at the OU3 public meeting regarding the trucks hauling soils from the amphitheatre to Area 19.

You asked that I and others review the "Final Disposal Operations Plan for the Former W.R. Grace Mine" Revision 7 dated February 2008. In Particular the reference to Section **9.3 Loading** which describes truck tarping requirements. I have re-read the document and discussed it with project personnel. After re-reading the document it is obvious how you interpreted the tarping instructions for the mine.

I would like to help clarify this situation. The document mentioned above is no longer in use for mine operations. That document has been superseded by the "Draft US Army Corps of Engineers Response Action Work Plan" dated May 2010.

I would also like to make it known, tarping from the amphitheatre to the mine is not part of our operating procedures and has never been beyond the amphitheater. Tarping is however mandatory for all trucks which are carrying from our removal properties to the amphitheatre. You also indicated the contractor working at the mine site was using the soils from the amphitheatre for road construction and repairs. This does not happen as soils would construct poor roads and make the haul road dangerous for the drivers. We have brought up many tons of reject road base material, from one of our borrow sources, to repair and strengthen sections of the road from the amphitheatre to the mine.

Due to your interest, I have included a copy of the "Draft US Army Corps of Engineers Removal Action Work Plan" dated May 2010. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (406) 293-6194.

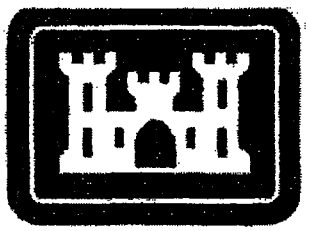
Sincerely,

Mike Cirian, P.E.
EPA Remedial Project Manager

RESPONSE ACTION WORK PLAN

LIBBY ASBESTOS SITE
LIBBY, MONTANA

Prepared for:



U.S. Army Corps of Engineers
Omaha District
Rapid Response Program
Offutt AFB, NE 68113

USACE Contract Number **W9128F-04-D-0029**

Task Order 027

Prepared by:

PRI

3760 Convoy Street, Suite 230
San Diego, California 92111

May 2010

(4)

8.0 Mine Operations

8.1 Roles and Purpose

The RC will dispose of all ACS from removal activities at the former W.R. Grace Rainy Creek Mine (Mine) site in accordance to the requirements described herein. The RC will operate, maintain, and conform to all requirements and guidelines as described in the Final Disposal Operations Plan for the Former W.R. Grace Mine (Volpe, 2008). The RC will furnish all labor, supervision, materials, equipment, tools, permits, and incidentals necessary to perform all mine operation activities at the Mine. The RC will perform mine operations as long weather permits the safe operation of Mine activities. The Mine site is to be used for the disposal of soil only. ACM components and waste are to be disposed of at the Landfill.

REMOVAL CONTRACT

TQA will be responsible for regular inspections, air monitoring, environmental sampling, and general oversight of mine operation activities.

8.2 Final Soil Disposition

Soils excavated from any of the OUs will be transported to the Rainy Creek Mine for final disposition. Soils are hauled from removal actions within the Site in sealed trucks. Trucks haul soil to the amphitheater area of the mine using positive pressure air pumps that filter the outside air to pressurize the cab of the truck. Soils are dumped in the amphitheater for temporary staging. Trucks are decontaminated before they leave the amphitheater area. Staged soils are loaded into trucks designated specifically for use at the mine. Soils are hauled from the amphitheater to the mine and placed there for final disposition.

8.3 Mine Personnel Training Requirements

RC mine operations personnel are to comply with all health and safety training requirements as described in Section 5 of the CSHASP. Training is to include, but is not limited to, 40 Hour OSHA HAZWOPER, OSHA 8 Hour HAZWOPER refresher, if applicable, and training requirements in accordance to Section 5 of the Final Disposal Operations Plan for the Former W.R. Grace Mine (Volpe, 2008).

8.4 Health and Safety Requirements

(KU)

LIBBY ASBESTOS PROJECT

FINAL DISPOSAL OPERATIONS PLAN FOR THE FORMER W.R. GRACE MINE

February 2008

Revision 7

Prepared by:
U.S. Department of Transportation
Research and Innovative Technology Administration

John A. Volpe National Transportation Systems Center
Environmental Engineering Division
55 Broadway, Kendall Square
Cambridge, Massachusetts 02142

9.1 General

All truck drivers and personnel that perform operations at the mine site must be trained in accordance with Section 5 of this document. All trucks operating at the mine site must be outfitted with positive pressure units in the cab area for truck driver safety.

In order to be successful, the mine operator will be responsible for planning, coordinating, controlling, and performing all transportation activities associated directly with mine operations. This includes, but is not limited to, determining and subcontracting the number of trucks and drivers needed for hauling materials from the amphitheater to Area 19, providing equipment and operators for loading trucks, covering all loads, providing equipment and personnel decontamination, dust suppression, disposal operations, mine road maintenance, traffic controls including signage, and all related work. Disposal activities are to be performed in a safe manner while adhering to the requirements of this mine operations plan, the CSHASP, and the SSHASP. Truck and

3.3 Operational Area 3: Hauling Road and Area 19

The purpose of the unpaved hauling road and Area 19 is to serve as a safe means to deliver and dispose of contaminated soil and debris to their final disposal location.

The mine site operator shall provide all equipment and personnel necessary to maintain the haul road and to perform material hauling, placement and disposal operations at Area 19.

9.3 Loading

Loading of trucks at the amphitheater by the mine site operator, for disposal of stockpiled material at Area 19, will be done in a manner that does not produce visible dust and that is in compliance with all air monitoring levels established by the government for this project. Truckloads will be limited to an amount that allows complete covering of the load so spillage on bumpy roads does not occur. It is required that the mine site operator utilizes water misting to control dust emissions during the following operations:

- Truck loading
- Hauling on the paved portion of the road to the amphitheater
- Hauling from the amphitheater to the disposal location at Area 19
- Truck dumping at the amphitheater and Area 19


AMPHITHEATRE STAGING
AREA ADJACENT RAINY
CREEK & LOWER POND
TWO MILES UP FROM HWY-37
51

TRUCK LOADED AT THE AMPHITHEATRE FOR AREA - 19th TOP OF MINE


6175


REMS
REMS
OVER LOADED TRUCKS
(LOW TIRES)


TRUCKS PLASTERED WITH
CONTAMINATED WASTE
THAT ENDS UP ON RAINY
CREEK ROAD, DITCHLINE


TRUCKS PLASTERED WITH
CONTAMINATED WASTE
THAT ENDS UP ON RAINY
CREEK ROAD, DITCHLINE

US Army Corps
of Engineers ®
Omaha District

RAINY CREEK AT LIBBY, MONTANA

DRAFT REPORT

Conceptual Grading and Slope Stability Study

Geotechnical Analysis
April 2010

1. STORAGE PILE SURVEY AND VOLUMES

A temporary waste storage pile has been proposed in the "Amphitheatre Area" for the Libby, Montana project. The waste material consists largely of asbestos contaminated topsoil excavated from residential yards from the town of Libby, Montana. The storage pile will ultimately be moved to the mine upslope of the "Amphitheatre Area". ? ?

2. TOPOGRAPHIC SURVEY AND VOLUMES

A two-dimensional topographic Computer-Aided Design and Drafting (CADD) file, as well as a survey point file, were provided of the existing site conditions. The point file was used to create a three-dimensional CADD surface of the existing site conditions.

CADD was then used to conceptually design a temporary waste storage pile. The maximum volume determined for the site was 407,000 cubic yards for a storage pile with constant 1V:1.5H side slopes (i.e. without benches) and a top elevation of 2,790 feet.

An assumed pre-existing site survey was created and compared to the existing site survey to estimate that approximately 69,000 cubic yards of waste had been stored at the site at the time of the survey. (~~Actual~~ 120,000 Cu/yds AT END of 2009 SEASON.

3. SLOPE STABILITY

A slope stability analysis was performed using the Slope/W (GeoStudio 2007, version 7.14) software developed by GEO-SLOPE International. The waste storage pile modeled consisted of a maximum 70-feet vertical pile with a slope of 1V:1.5H (33.69 degrees). Analyses were performed for a constant slope and with 10-feet wide benches every 20 vertical feet.

The geotechnical investigation and laboratory testing were managed/performed by CDM (Amphitheater Area Project Geotechnical Data Report, March 16, 2010). Triaxial strength testing was not performed due to damaged tubes/disturbed samples. Material properties used in the slope stability analyses were based on the laboratory classification testing and notes taken during the geotechnical investigation.

Mechanical and hydrometer analyses performed on two waste (MT09-2) and three native overburden (MT09-3 and MT09-4) samples classified as silty sand (SM) as defined by the Unified Soil Classification System. All borings revealed poorly graded gravels and sands with varying amounts silt (GP, GP-GM, SP, and SP-SM) underlying the overburden.

Atterberg limit testing was not performed due to the amount of cohesionless material within the samples. The geologist's field logs note low to medium plasticity for disturbed samples of the waste and overburden. Hydrometer analyses on the waste and overburden samples indicate less than 10 percent finer than the 0.02 millimeter. Soil particles in this range are considered clay and contain plasticity. Cohesion of zero, 10, and 50 pounds per square foot (psf) was considered for the slope stability analyses.

Amphitheater Area Project
Geotechnical Data Report
Libby, Montana

March 16, 2010

Prepared for:
United States Army Corps of Engineers
1616 Capitol Avenue, Suite 9000
Omaha, Nebraska 68102

Prepared by:
CDM
11811 NE 1st Street
Suite 201
Bellevue, Washington 98005

CDM Project No. 51147-73690.6402

Section 1
Introduction

1.1 General

This report presents Camp Dresser & McKee Inc. (CDM) geotechnical data report for the Libby, Montana, Amphitheater Area project.

1.2 Project Description

The site is located approximately 7 miles northeast of Libby, Montana and approximately 2.1 miles up Rainy Creek Road (Mine Road) from Highway 37.

It is our understanding that the United State Army Corps of Engineers, Omaha District (USACE) proposes to expand the use of the Amphitheater Area as a fill site.

1.3 Purpose and Scope of Services

Under the direction of the USACE, the purpose of the study was to explore subsurface conditions at the Amphitheater site and provide laboratory testing on soil samples that potentially contain high-quantities of vermiculite and Libby amphibole asbestos. CDM's role was to observe the exploration, log the boreholes, conduct laboratory testing, and produce this data report.

CDM completed the following scope of work (USACE undated, *Drilling Instructions, Amphitheater Area, Libby, Montana):*

- **Subsurface Exploration:** Oversee and monitor the drilling and sampling of four (4) borings, including safely classifying, collecting, and storage of the soil samples. Approximate location of the borings and the sampling depths were provided by USACE.

- **Laboratory Testing:** Perform laboratory tests on the potentially contaminated soil samples. Testing program was outlined by USACE. All testing will be in general accordance with American Society for Testing and Materials (ASTM) methods. This task was added as an addendum to the original scope of work and consisted of the following:

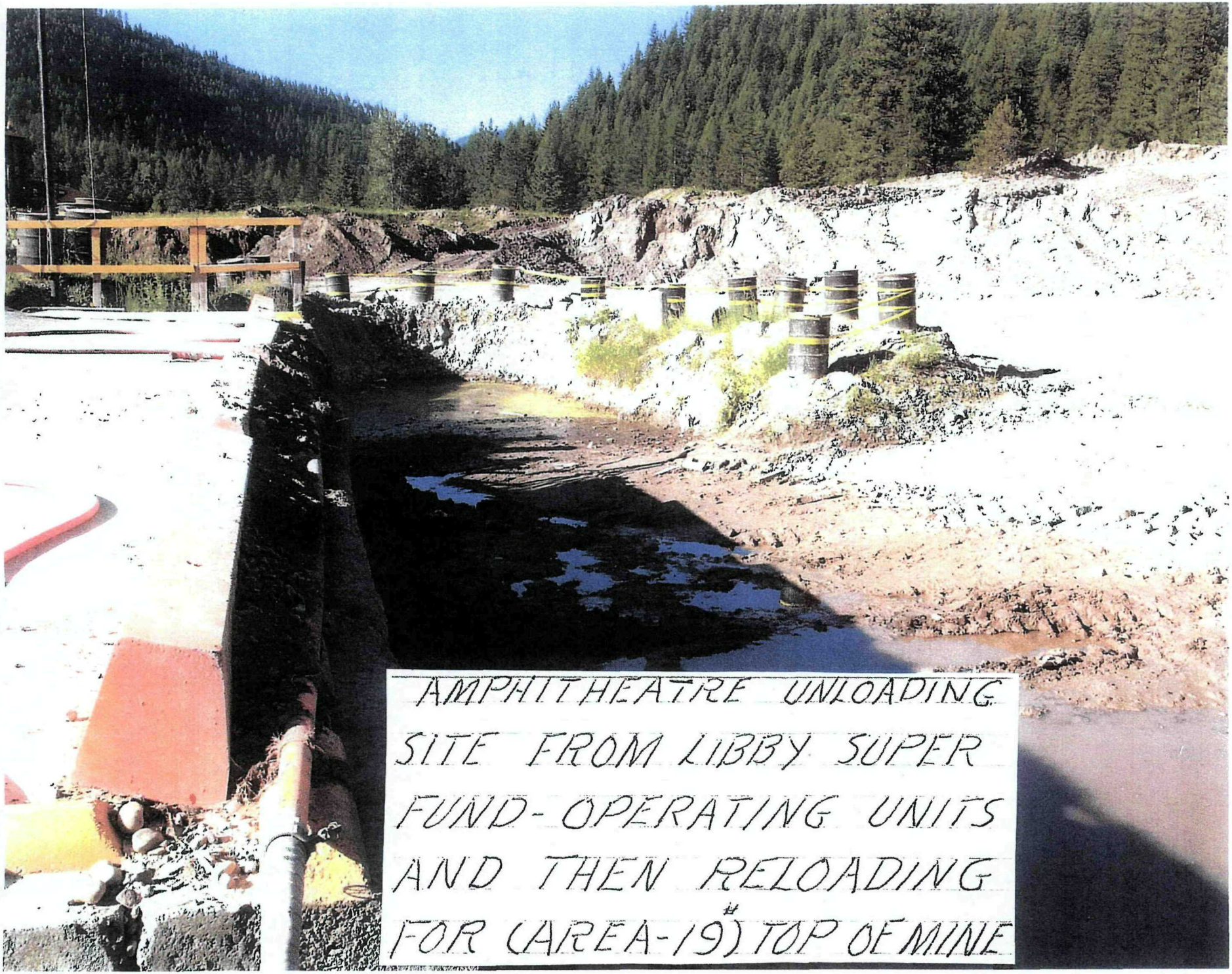
  - Develop a Health & Safety Plan for testing soil samples that may contain vermiculite and Libby amphibole asbestos.

  - Description and identification of soils for all soil samples obtained during the subsurface exploration; (Visual- Manual Procedure) (ASTM D 2488).

  - Particle Size and Hydrometer (ASTM C 136 and D 422) analysis on undisturbed thin wall tube samples.

  - Atterberg Limits (ASTM D 4318) on undisturbed thin wall tube samples.

STAGING SITE FOR CONTAMINATED WASTE AT AMPHITHEATRE. STORED ON FLOOD PLAIN OF RAINY CREEK.



AMPHITHEATRE UNLOADING SITE FROM LIBBY SUPER FUND - OPERATING UNITS AND THEN RELOADING FOR (AREA-19) TOP OF MINE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

Ref: 8ENF-L

June 25, 2010
Mel Parker — Hand Delivered
472 Riverview Drive
Libby, Montana 59923

Mr. Mel Parker:

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You asked that I and others review the "Final Disposal Operations Plan for the Former W.R. Grace Mine" Revision 7 dated February 2008. In Particular the reference to Section **9.3 Loading** which describes truck tarping requirements. I have re-read the document and discussed it with project personnel. After re-reading the document it is obvious how you interpreted the tarping instructions for the mine.

I would like to help clarify this situation. The document mentioned above is no longer in use for mine operations. That document has been superseded by the "Draft US Army Corps of Engineers Response Action Work Plan" dated May 2010.

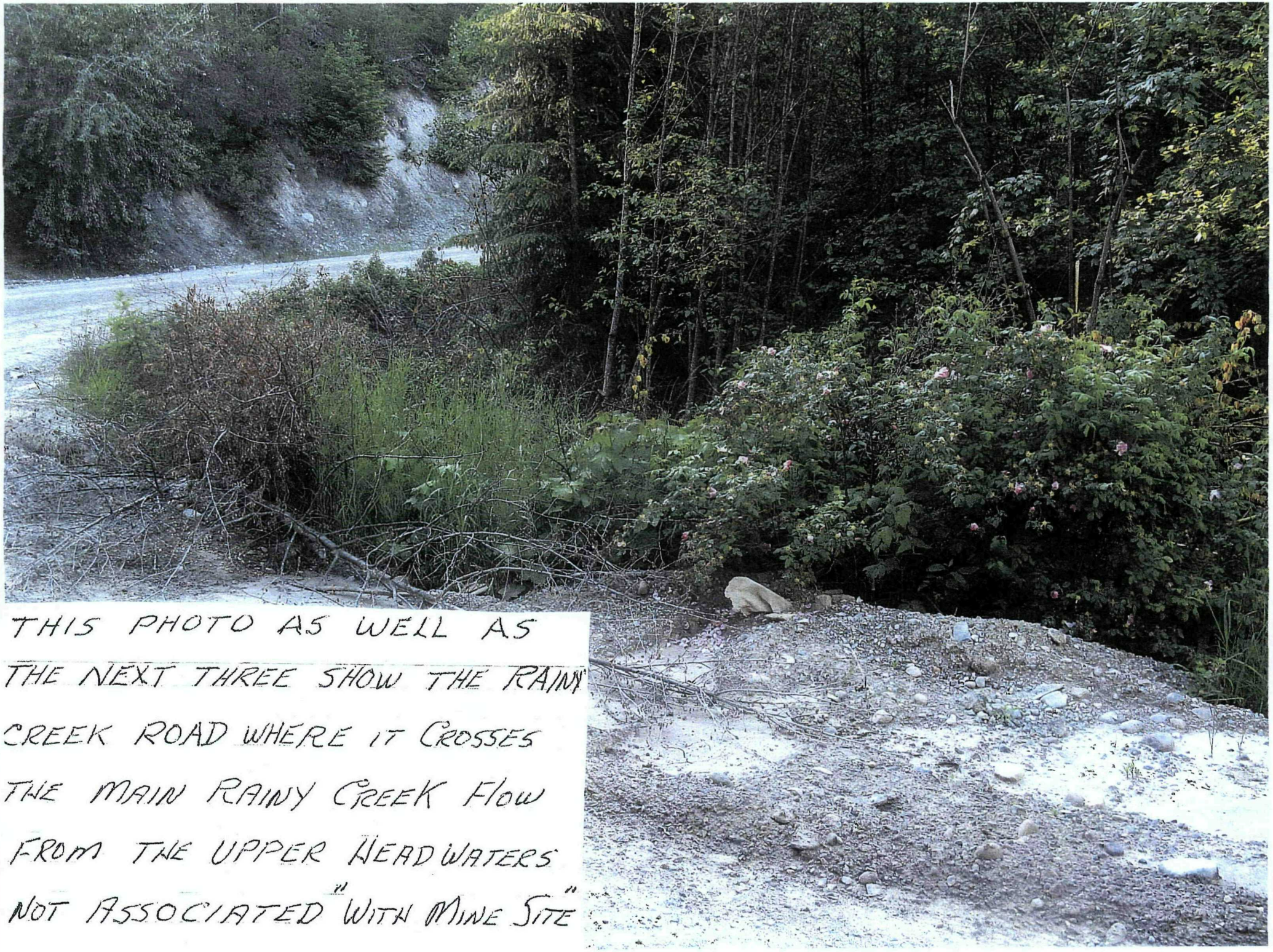
I would also like to make it known, tarping from the amphitheatre to the mine is not part of our operating procedures and has never been beyond the amphitheater. Tarping is however mandatory for all trucks which are carrying from our removal properties to the amphitheatre. You also indicated the contractor working at the mine site was using the soils from the amphitheatre for road construction and repairs. This does not happen as soils would construct poor roads and make the haul road dangerous for the drivers. We have brought up many tons of reject road base material, from one of our borrow sources, to repair and strengthen sections of the road from the amphitheatre to the mine.

Due to your interest, I have included a copy of the "Draft US Army Corps of Engineers Removal Action Work Plan" dated May 2010. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at (406) 293-6194.

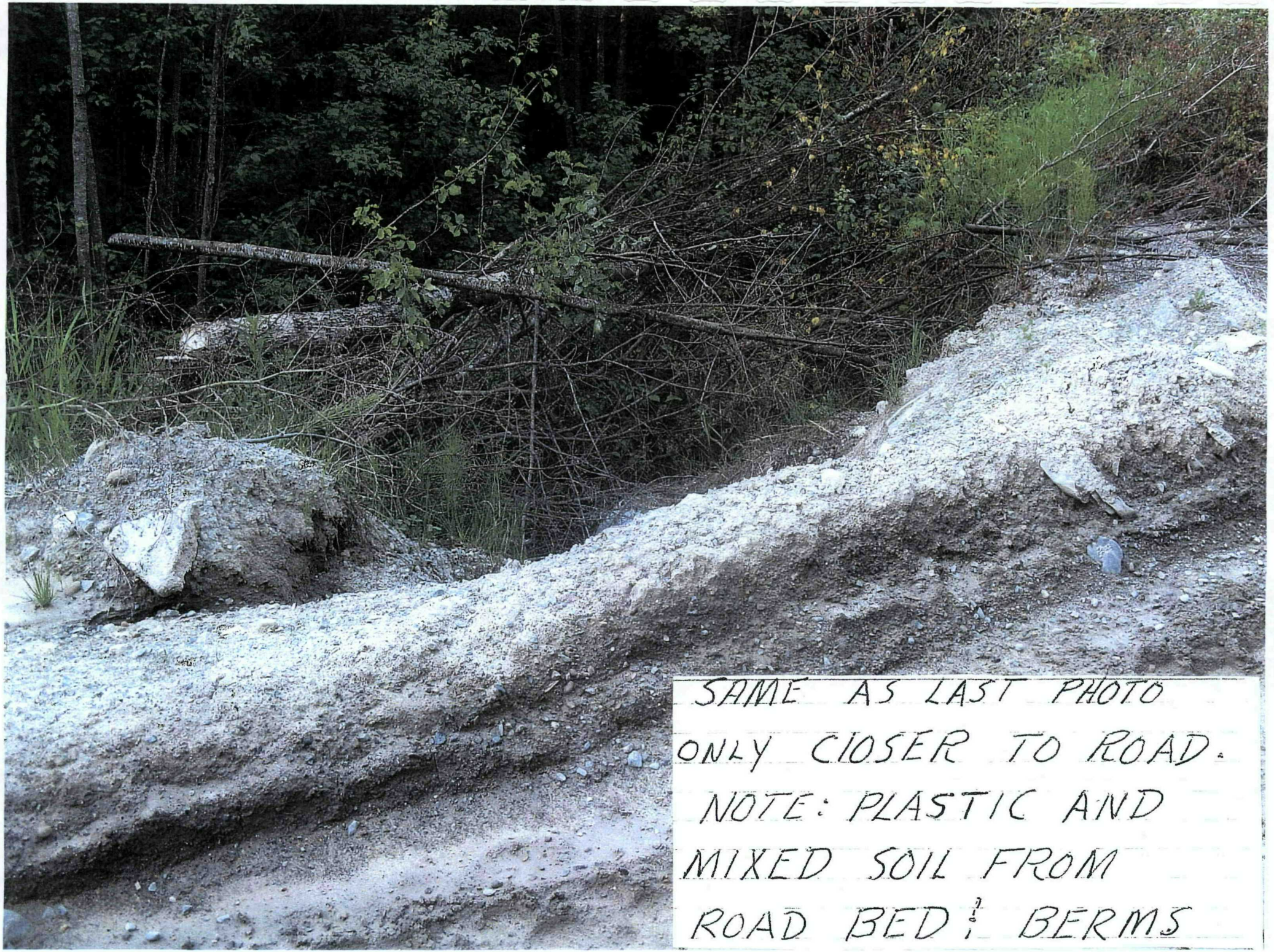
Sincerely,

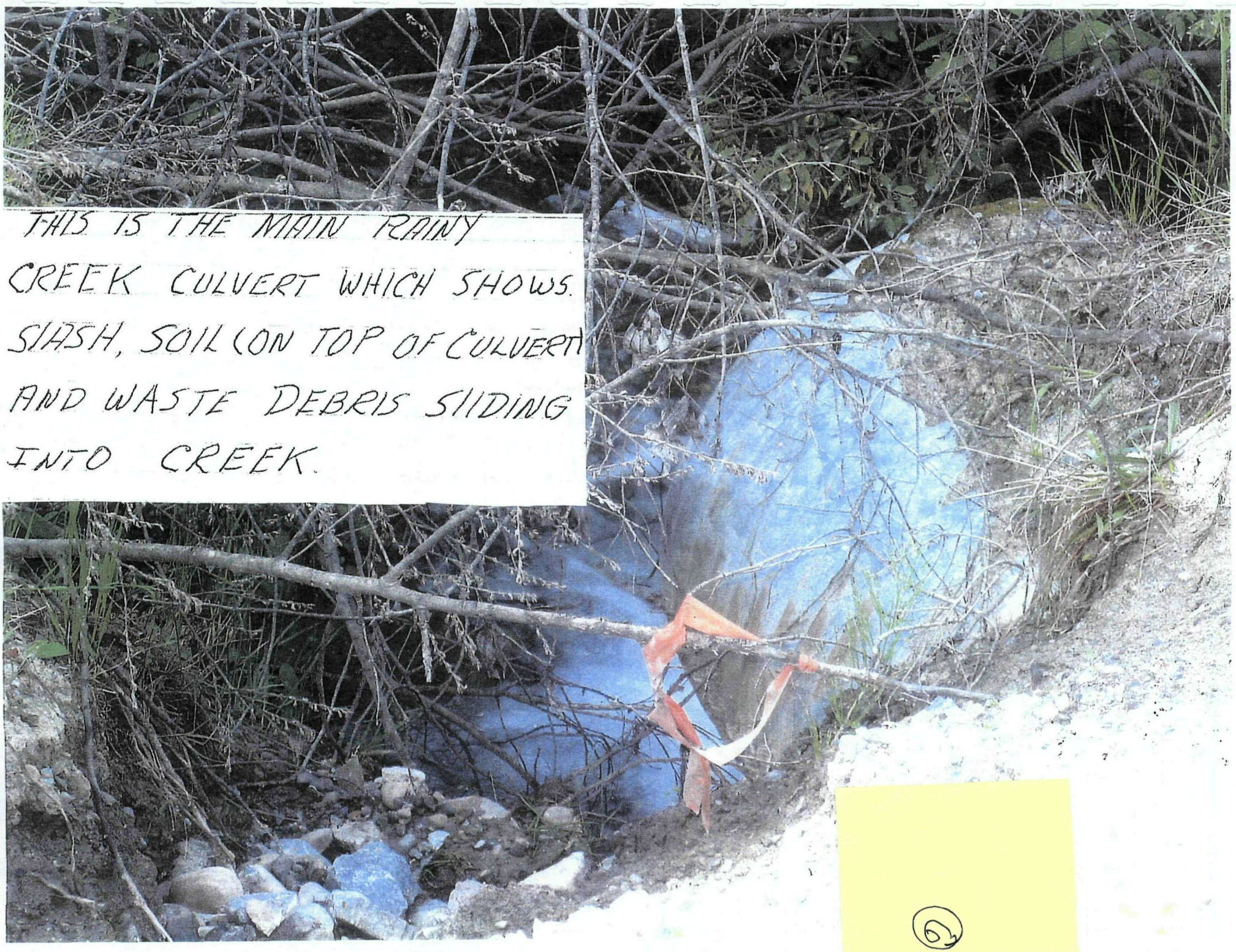
Mike Cirian, P.E.
EPA Remedial Project Manager


DECONTAMINATION SITE AT
AMPHITHEATRE ON RAINY
CREEK ROAD ADJACENT
TO LOWER POND



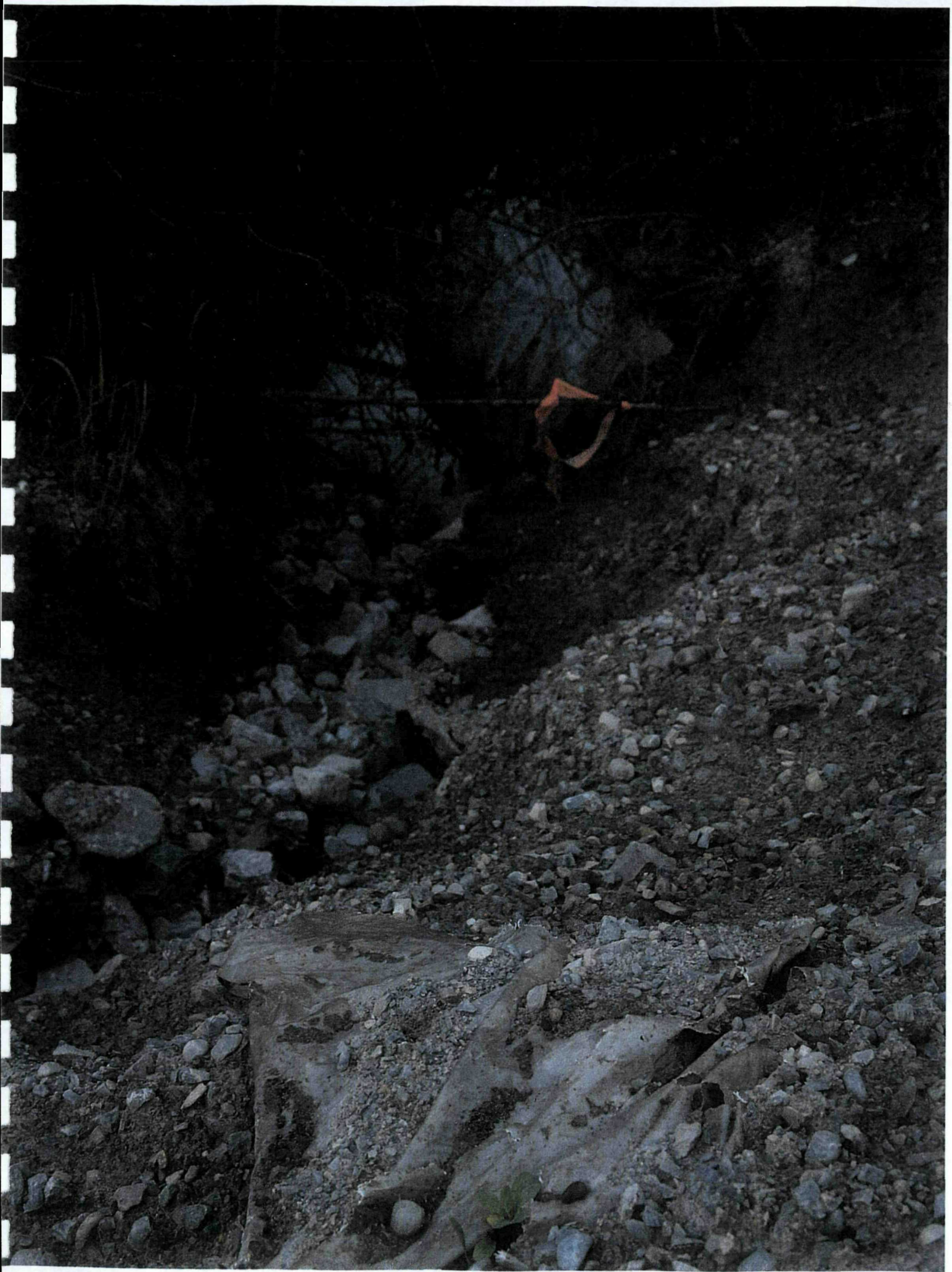
THIS PHOTO AS WELL AS THE NEXT THREE SHOW THE RAINY CREEK ROAD WHERE IT CROSSES THE MAIN RAINY CREEK FLOW FROM THE UPPER HEADWATERS NOT ASSOCIATED "WITH MINE SITE"


SAME AS LAST PHOTO
ONLY CIOSER TO ROAD.
NOTE: PLASTIC AND
MIXED SOIL FROM
ROAD BED ? BERMS

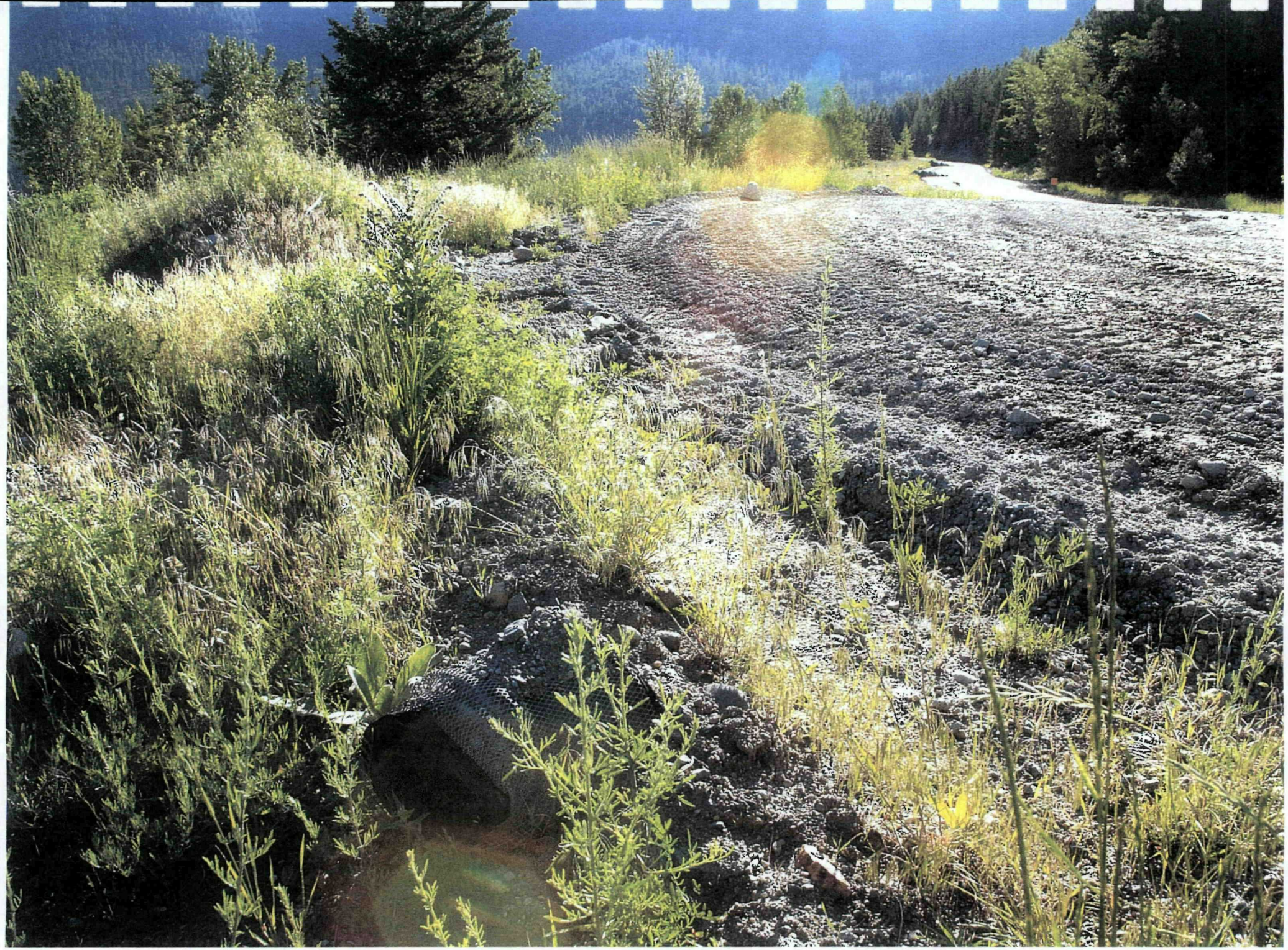


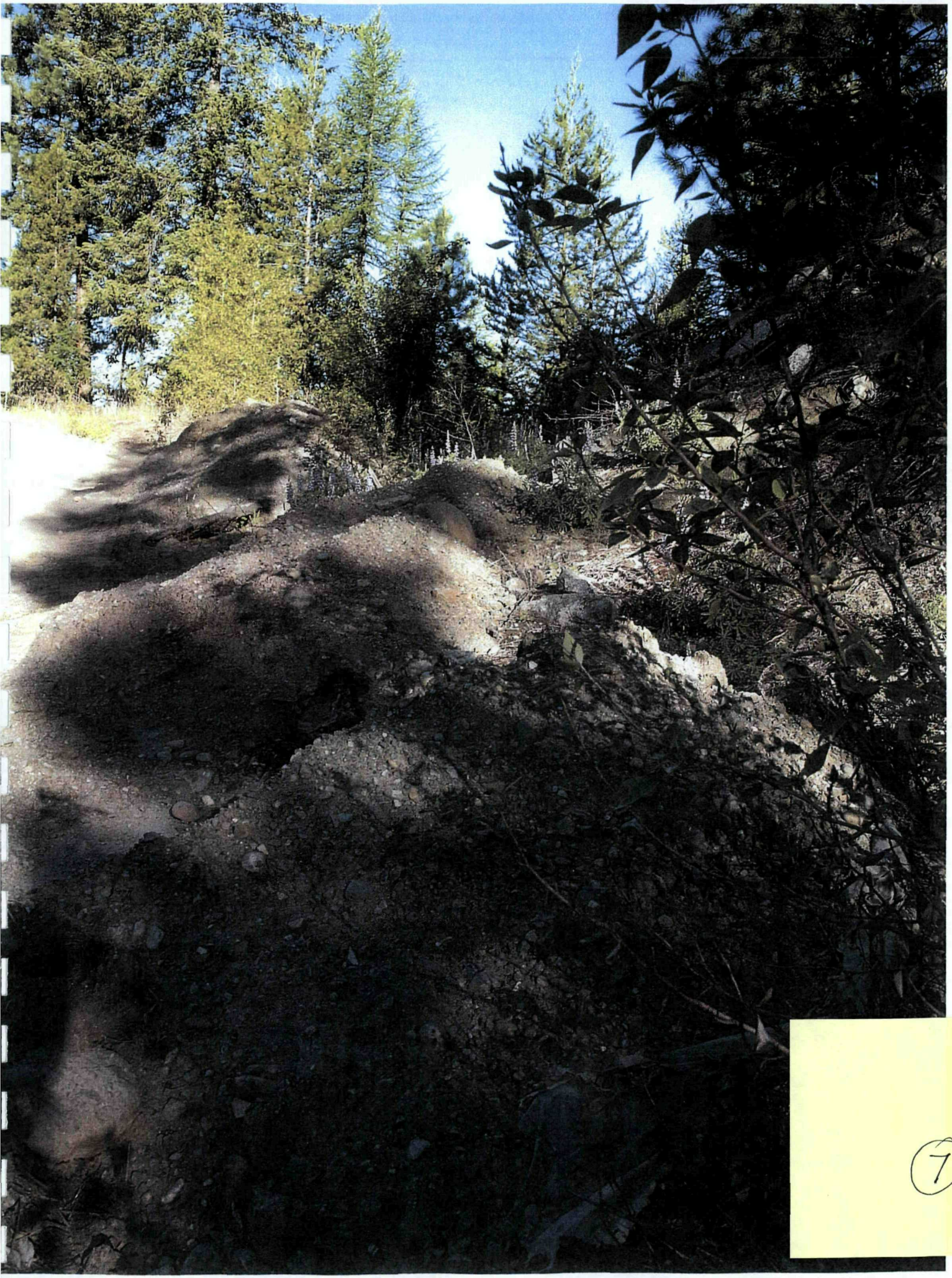
THIS IS THE MAIN RAINY CREEK CULVERT WHICH SHOWS. SLASH, SOIL (ON TOP OF CULVERT) AND WASTE DEBRIS SLIDING INTO CREEK.

6

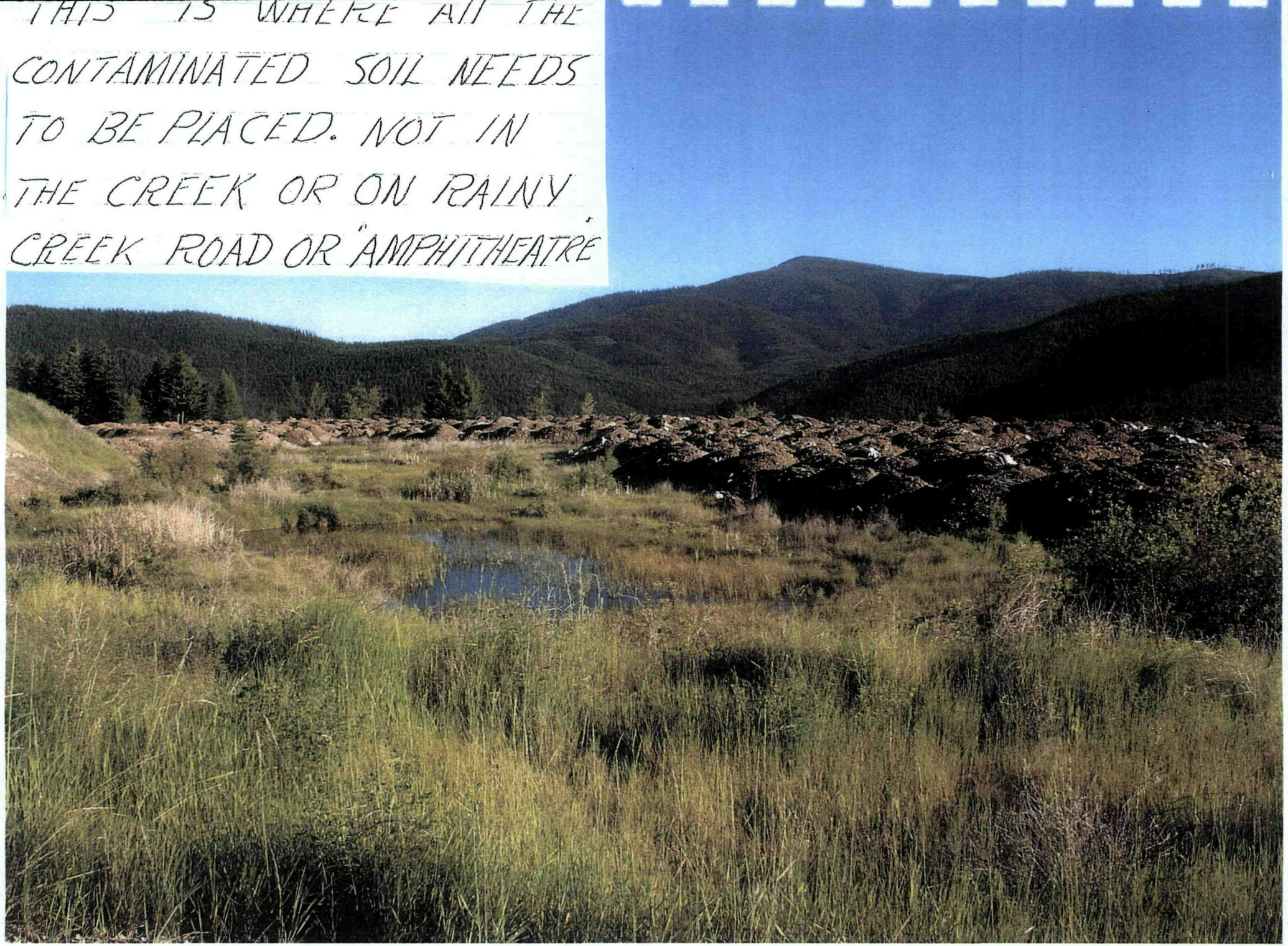


TYPICAL BERMS ALONG RAINY CREEK ROAD ABOVE THE "AMPHITHEATRE" ON THE GRAVEL ROAD TO CUT OFF TO "SOUTH FORK JACKSON"





7


THIS IS WHERE ALL THE
CONTAMINATED SOIL NEEDS
TO BE PLACED. NOT IN
THE CREEK OR ON RAINY
CREEK ROAD OR "AMPHITHEATRE"

SUMMARY

At this point in time it would be ridiculous to believe the EPA has an answer to any questions relating to the future use and access of the Rainy Creek Drainage.

The primary concern of the EPA is to remove contaminated waste material from the Libby Superfund Site and transport it up to the "Mine Site" via the Rainy Creek Road System.

The Rainy Creek Drainage has been designated as Operating Unit #3 in the list of Clean-ups administered under the EPA mandated process. The studies and research which are currently in place, or completed will continue to provide the data necessary to make the final decision as to how this Unit #3 will be managed in the future.

Even the time frame to accomplish this task is realistically "unknown" and could quite conceivably take more years than we have been led to believe.

However, this enclosed information was not intended, to reflect or suggest what the conclusion of the Record of Decision with its remediated recommend actions will be.

Instead, it addresses concerns that have developed into existing conflicts relating to Communications, Transparency, Public Involvement, Interpretations or mis- interpreted of EPA Policy and protocol.

To most folks in this County the Rainy Creek Road from Hwy -37 to the South Fork of Jackson Creek cutoff is the lifeline to any future management of thousands of acres of Public (Federal and State) and Private (Plum Creek) Forest Timber Lands. "Without the Rainy Creek Road we have "***no other access***" to this drainage.

This Public Road, primarily above the "Amphitheater" is not and has not been used and maintained in a manner that protects the surrounding environment and certainly not the integrity of the future possible consideration for "Accessible Status"

If the protocol that the EPA uses to haul waste material from the Amphitheater to the Mine Site remains as it has been over the past years then it becomes obvious that the Rainy Creek Road will probably never be upgraded to a level where it could be classified as a "***SAFE***" means of travel with no apparent threat of Human Health.

United States Environmental Protection Agency
Office of Policy, Economics and Innovation
EPA 233-B-03-002
May 2003
http://www.epa.gov/policy2003/policy2003.htm

Public Involvement Policy

of the

U.S. Environmental Protection Agency

May 2003

Disclaimer

The statutory provisions described in this Public Involvement Policy contain legally binding requirements. As indicated by the use of non-mandatory language such as "may," "should," and "can," this Policy describes recommended procedures and approaches for conducting public involvement. It is a policy, not a rule, and is not legally enforceable.

A DISCLAIMER IS TO REFUSE TO RECOGNIZE OR ACKNOWLEDGE A STATEMENT OF SOMETHING AS A FACT.

THIS DOCUMENT IN ITS 21 PAGE ENTIRETY USES THE- NON-MANDATORY WORDS— SHOULD, CAN, MAY, 222 TIMES IN ITS EFFORT TO DEFINE THE E.P.A PROTOCOL FOR THEIR "PUBLIC INVOLVEMENT POLICY" AS OF MAY-2003